

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39339 of 2020

Arising Out of PS. Case No.-54 Year-2020 Thana- AKBARPUR District- Nawada

HARKHU YADAV @ YOGENDRA PRASAD son of Late Rohan Yadav
Resident of Vill.- Mastanganj, P.S.- Akbarpur, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-02-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Akbarpur PS Case No. 54 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Ten liters Mahua and five liters wine have allegedly been seized from the open space. The petitioner has been implicated in this case.

It is submitted by learned Counsel for the petitioner that since the recovery is from an open space petitioner's implication is on extraneous consideration and after his arrest in the instant case, he has been implicated in four other cases as per details mentioned in para 3 of the petition. There has been no compliance of Section 100 Cr.P.C. The petitioner is in custody since 8.9.2020.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Nawada in Akbarpur PS Case No. 54 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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